LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JUNE 12, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on June 12, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Councilman Kovalski,

Council Vice President Mione, Councilwoman Singer

and Council President Karcher.

Also present were: Mayor Scannapieco, Ronald H. Gordon, Esq.,

Chief Financial Director Judith Tiernan, Municipal Clerk

Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Council President Karcher opened the Public Hearing on Ord. # 2003-6 (Monmouth County Improvement Authority Lease/Purchase Program). there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2003-158/Ord. # 2003-6 (Monmouth County Improvement Authority Lease/Purchase Program) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-158

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-6

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN
CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO,
NEW JERSEY FROM THE MONMOUTH COUNTY
IMPROVEMENT AUTHORITY AND THE EXECUTION OF A
LEASE AND AGREEMENT RELATING THERETO

which was introduced on May 22, 2003, public hearing held June 12, 2003, be adopted on second and final reading this 12th day of June, 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2003-6

ORDINANCE AUTHORIZING THE LEASING OF CERTAIN CAPITAL EQUIPMENT BY THE TOWNSHIP OF MARLBORO, NEW JERSEY FROM THE MONMOUTH COUNTY IMPROVEMENT AUTHORITY AND THE EXECUTION OF A LEASE AND AGREEMENT RELATING THERETO

BE IT ORDAINED by the Township Council of the Township of Marlboro, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

Section 1. Pursuant to Section 78 of the County Improvement Authorities Law, N.J.S.A. 40:37A-44 et seq., the Township of Marlboro (the Municipality") is hereby authorized to unconditionally and irrevocably lease certain items of capital equipment from the Monmouth County Improvement Authority (the "Authority") pursuant to a Lease and Agreement, substantially in the form submitted to this meeting (the "Lease") a copy of which is on file in the office of the Clerk to the Municipality. The Mayor is hereby authorized to execute the Lease on behalf of the Municipality in substantially such form as submitted to this meeting and with such changes as may be approved by the Mayor, which approval shall be conclusively evidenced by the execution thereof, and the Clerk to the Municipality is hereby authorized to affix and attest the seal of the Municipality.

Section 2. The following additional matters are hereby determined, declared, recited and stated:

(a) In recognition of the fact that the lease payments of the Municipality under the Lease will be based, in part, on the

amount of bonds issued by the Authority to finance the acquisition of the leased equipment and the interest thereon, the maximum amount of bonds which the Authority shall issue to finance the acquisition of the equipment to be leased to the Municipality shall not exceed \$1,555,000 and the interest rate on said bonds shall not exceed five and fifteen hundredths percent (5.15%) per annum;

- (b) The items leased from the Authority shall be as set forth in Schedule A hereto; provided that the Mayor or any authorized municipal representative (as defined in the Lease) may substitute or add items of equipment in accordance with the provisions of the Lease; and
- (c) The lease term applicable to a particular item of leased equipment shall not exceed the useful life of such item.

Section 3. This ordinance shall take effect twenty (20) days after the first publication thereof after final adoption as provided by law.

Council President Karcher opened the <u>Public Hearing</u> on Ord. # 2003-7 (Bond Ordinance - Amending Ord. # 2002-17 Stream Cleaning & Improvements to Pleasant Valley & Igoe Road). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2003-159/Ord. # 2003-7 (Bond Ordinance - Amending Ord. # 2002-17 Stream Cleaning & Improvements to Pleasant Valley & Igoe Road) was introduced by reference, offered by Councilman Kovalski, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-159

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-7

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2002-17 WITH RESPECT TO VARIOUS CAPITAL IMPROVEMENTS FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, NEW JERSEY ON JUNE 13, 2002

which was introduced on May 22, 2003, public hearing held June 12, 2003, be adopted on second and final reading this 12th day of June, 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2003-7

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 2002-17 WITH RESPECT TO VARIOUS CAPITAL IMPROVEMENTS FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, NEW JERSEY ON JUNE 13, 2002

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The Bond Ordinance of the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") entitled "Bond Ordinance Providing An Appropriation Of \$2,988,000 For Various Improvements For And By The Township Of Marlboro, In The County Of Monmouth, New Jersey And Authorizing The Issuance Of \$2,843,800 Bonds Or Notes Of The Township For Financing Part Of The Appropriation" finally adopted on June 13, 2002, as amended by "Bond Ordinance Amending Bond Ordinance Number 2002-17 With Respect To Various Capital Improvements Finally Adopted By The Township Council Of The Township Of Marlboro, New Jersey On June 13, 2002" finally adopted on April 10, 2003 (the "Ordinance") is hereby incorporated by reference in its entirety.

Section 2(a) Clause (g) under the subheading "Engineering Department Improvements" of Section 3(a) of the Ordinance is hereby amended in its entirety as follows:

"(g) Stream cleaning at Deep Run Tributaries, including stream cleaning equipment."

\$189,000 \$33,250 40"

(b) Clause (a) under the subheading "Public Works Department Acquisitions and Improvements" of Section 3(a) of the Ordinance is hereby amended by including the following additional roads, "Pleasant Valley Road and Igoe Road" and is hereby further amended in full with respect to the "Appropriation and Estimated Cost," "Estimated Maximum Amount of

Bonds or Notes" and "Period of Usefulness" as follows:

\$1,106,500 \$952,250 20"

(c) The Ordinance is further amended as follows:
(i) all references in Sections 1 and 3 in the
Ordinance to "\$3,113,000" is hereby deleted and
substituting in lieu therefor "\$3,373,500."

Section 3. The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolutions in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 4. All other provisions of the Ordinance shall remain unchanged.

Section 5. This amendatory bond ordinance shall take effect twenty days after the first publication thereof after final adoption as provided by Local Bond Law.

Council President Karcher opened the <u>Public Hearing</u> on Ord. # 2003-8 (Salary Ordinance 2003 Municipal Officials). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2003-160/Ord. # 2003-8 (Salary Ordinance 2003 Municipal Officials) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Kovalski and passed on a roll call vote of 5 - 0.

RESOLUTION # 2003-160

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-8

ORDINANCE FIXING THE SALARIES OF THE OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF MARLBORO 2003

which was introduced on May 22, 2003, public hearing held June 12, 2003, be adopted on second and final reading this 12th day of June, 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2003-161/Ordinance # 2003-9 (Authorizing Mutual Aid Agreement Monmouth County) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-161

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-9

AN ORDINANCE ESTABLISHING THE PARTICIPATION OF THE TOWNSHIP
OF MARLBORO IN THE MONMOUTH COUNTY-WIDE COMPACT
KNOWN AS "THE MONMOUTH COUNTY MUTUAL AID AGREEMENT"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 26, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-9

AN ORDINANCE ESTABLISHING THE PARTICIPATION OF THE TOWNSHIP
OF MARLBORO IN THE MONMOUTH COUNTY-WIDE COMPACT
KNOWN AS "THE MONMOUTH COUNTY MUTUAL AID AGREEMENT"

WHEREAS, the Township of Marlboro previously passed Resolution #1998-323 on December 10, 1998 to the effect that the Township should participate in a county-wide compact to provide mutual aid known as "The Monmouth County Mutual Aid Agreement" to provide reciprocal aid between member municipalities; and

WHEREAS, pursuant to $\underline{\text{N.J.S.A}}$. 40A:14-156.1, "The governing bodies of one or more municipalities may by reciprocal ordinances enter into agreements with each other for mutual police or fire aid in case of emergency".

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, in accordance with the provisions of N.J.S.A. 40:48-1(g) and N.J.S.A. 40:14-156.1, that the Township of Marlboro hereby agrees to participate in the county-wide compact to provide mutual aid between municipalities known as "The Monmouth County Mutual Aid Agreement" ("Aid Agreement"); and

BE IT FURTHER ORDAINED, that this ordinance is adopted as a reciprocal agreement with all municipalities in the County Of Monmouth participating in the Aid Agreement. Pursuant to this Aid Agreement, the Township of Marlboro shall render assistance to any participating municipality by providing members of the Marlboro Township Police Department, upon request, to help preserve the public peace and order.

BE IT FURTHER ORDAINED, that the municipality requesting assistance shall compensate officers serving under the auspices of the Aid Agreement at an agreed-upon rate by forwarding such payment to the municipality rendering such assistance, which will then compensate the officers who rendered the assistance.

BE IT FURTHER ORDAINED, that in the event that a member of the Marlboro Township Police Department is injured while rendering assistance to a participating municipality, said municipality receiving the assistance shall reimburse the Township for any and all expenses incurred as a result of a worker's compensation claim filed by the injured officer.

BE IT FURTHER ORDAINED, that this ordinance is separate and distinct from any mutual aid agreements previously entered into between the Township of Marlboro and any other municipalities and shall remain in full force and effect until specifically repealed by an affirmative act of the Township Council of the Township of Marlboro.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with the applicable law.

The following Resolution # 2003-162/Ordinance # 2003-10 (Establishing Mid-Block Cross Walks - Henry Hudson Trail) was introduced by reference, offered by Councilman Kovalski, seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-162

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-10

AN ORDINANCE ESTABLISHING EIGHT (8) MID-BLOCK CROSS WALKS
ALONG THE HENRY HUDSON TRAIL SOUTHERLY EXTENSION AND AUTHORIZING THE
MONMOUTH COUNTY PARK SYSTEM TO INSTALL SAME

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 26, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-10

AN ORDINANCE ESTABLISHING EIGHT (8) MID-BLOCK CROSS WALKS
ALONG THE HENRY HUDSON TRAIL SOUTHERLY EXTENSION AND AUTHORIZING THE
MONMOUTH COUNTY PARK SYSTEM TO INSTALL SAME

WHEREAS, the Township of Marlboro received a request from the Monmouth County Board of Recreation Commissioners for permission to install eight (8) Mid-Block Crosswalks ("Crosswalks") which will cross portions of eight (8) municipally owned roads in the vicinity of the abandoned Central Railroad Line for the extension of the Henry Hudson Trail as identified on Schedule "A" attached hereto and made a part hereof; and

WHEREAS, the Township Police Department has reviewed the request of the Monmouth County Board of Recreation Commissioners and

agrees with the recommendation that the Crosswalks be designated and installed on these streets; and

WHEREAS, the Township Council of the Township of Marlboro has determined that the establishment and installation of the Crosswalks is necessary and proper for the safety and welfare of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Crosswalks be and are hereby established and that the County of Monmouth may proceed to install said Crosswalks at the locations named in Schedule "A" attached hereto and made a part hereof by this reference.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with the applicable law.

The following Resolution # 2003-163/Ordinance # 2003-11 (Bond Ordinance - Various Capital Improvements) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-163

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-11

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$3,295,500 FOR VARIOUS IMPROVEMENTS FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE

ISSUANCE OF \$3,131,265 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on June 26, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-11

BOND ORDINANCE PROVIDING AN APPROPRIATION OF \$3,295,500 FOR VARIOUS IMPROVEMENTS FOR AND BY THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY AND AUTHORIZING THE ISSUANCE OF \$3,131,265 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE APPROPRIATION

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

The improvements described in Section 3 of this bond ordinance (the "Improvements") are hereby authorized to be undertaken by the Township of Marlboro, New Jersey (the "Township") as general improvements. For the said Improvements there is hereby appropriated the amount of \$3,295,500, such sum includes the sum of \$164,235 as the down payment (the "Down Payment") required by the Local Bond Law of the State of New Jersey, constituting Chapter 2 of Title 40A of the New Jersey Statutes, as amended and supplemented (the "Local Bond Law"). The Down Payment is now available by virtue of provision in one or more previously adopted budgets for down payments or capital improvement purposes.

SECTION 2:

In order to finance the additional cost of the Improvements not covered by application of the Down Payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of \$3,131,265 pursuant to the provisions of the Local Bond Law (the "Bonds"). In anticipation of the issuance of the Bonds and to

temporarily finance said improvements or purposes, negotiable bond anticipation notes of the Township are hereby authorized to be issued in the principal amount not exceeding \$3,131,265 pursuant to the provisions of the Local Bond Law (the "Bond Anticipation Notes" or "Notes").

SECTION 3:

(a) The Improvements authorized and the purposes for which obligations are to be issued, the estimated cost of each Improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each Improvement and the period of usefulness of each Improvement are as follows:

Improvements	Appropriation and Estimated Cost	Estimated Maximum Amount of Bonds or Notes	Period of Usefulness	
Administration Department Acquisitions:				
(a)Parking Improvement Study	15,000	14,250	15	
(b)Marlboro State Hospital Acquisition/Study	50,000	47,500	15	
(c)9/11 Memorial	40,000	38,000	15	
(d)Cable Studio Generator	35,000	33,250	15	
(e)Cable Studio Improvements	4,000	3,840	15	
(f)Arboretum	10,000	9,500	15	
Engineering Department Roadway Improvements:				
(a)School Road East Reconstruction	1,000,000	950,000 190,000	20 20	

Improvements	Appropriation and Estimated Cost		Period of Usefulness	
		Notes		
(b) Improvement of various roads within the Township, by the reconstruction and resurfacing at Blossom Heights and the Village, including but not limited to Ridge Road, High Street, Buck Lane, Hudson Street, Railroad Avenue, Blossom Avenue, Center Street, Orchard Street, Herbert Street, Vanderburg Road, Route 79 to abandoned railroad crossing.				
(c)Vanderburg Road Bypass / Study	15,000	14,250	15	
(d)Route 520 West - Route 9/ Design	30,000	28,500	15	
(e)Union Hill Park and Ride Lot/Study	50,000	47,500	15	
(f)Pleasant Valley Road/Study	10,000	9,500	15	
Public Works Department Acquisitions and Improvements:				
(a) Improvements of various roads within the Township, by the resurfacing, thereof including but not limited to Union Hill Road between Route 9 overpass and Township line; intersection of	1,075,000	1,021,250	10	

Improvements	Cost	Amount	Usefulness
		of Bonds or Notes	
Robertsville Road with Gordons Corner Road, Igoe Road between Pleasant Valley Road and Shallow Brook Road; Robertsville Road between Wyncrest Road and Montreal Square; Pleasant Valley Road from Walnut Drive to Reids Hill Road; Reids Hill Road from Pleasant Valley Road to Beacon Hill Road; Beacon Hill Road between Rte. 79 and Haven Way; Pleasant Valley Road from Reids Hill Road to Schanck Road; Boundary Road from Vanderburg Road to the County culvert over Big Brook; Stockton Drive, River Drive, Fairview Road and Nolan Road between Reids Hill Road and Ramsgate Drive.			1.5
(b) DPW Complex Design(c) HVAC Remediation -	85,000	80,750	15
Various Township Buildings	25,000	23,750	15
(d) Union Hill Commuter Parking Lot	40,000	38,000	15
(e) Texas Road Property - Demolition Project	10,000	9,500	15
Recreation Department Improvements:			
(a) Various Park Improvements and Equipment Acquisition	20,000	19,500	15

Appropriation

and Estimated

Estimated

Maximum

Period

of

Improvements	Appropriation and Estimated Cost		Period of Usefulness	
		of Bonds or	OSCIUINCSS	
		Notes		
(b) Hawkins Road Park Improvements	210,000	199,500	15	
(c) Vanderburg Soccer/Acquatic Center Complex	156,500	148,675	15	
(d) Union Hill Complex Sprinkler System	35,000	33,250	15	
(e) Parks Master Plan Study	25,000	23,750	15	
Township - wide Sump Pump				
Program/Design	20,000	19,000	15	
Masonry Program	100,000	95,000	15	
Stream Cleaning at Deep Run Tributaries	35,000	33,250	40	
TOTAL	\$3,295,500	\$3,131,265		

- (b) The estimated maximum amount of Bonds or Notes to be issued for the purpose of financing a portion of the cost of the Improvements is \$3,131,265.
- (c) The estimated cost of the Improvements is \$3,295,500 which amount represents the initial appropriation made by the Township. The excess of the appropriations made for each of the Improvements over the estimated maximum amount of Bonds or Notes authorized to be issued therefor as stated above is the amount of the Down Payment for each purpose.

SECTION 4.

All Bond Anticipation Notes issued hereunder shall mature at such times as may be determined by the chief financial officer of the Township (the "Chief Financial Officer"); provided that no Note shall mature later than one year from its date. The Notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with Notes issued pursuant to this ordinance, and the signature of the Chief Financial

Officer upon the Notes shall be conclusive evidence as to all such determinations. All Notes issued hereunder may be renewed from time to time subject to the provisions of Section 8(a) of the Local Bond Law. The Chief Financial Officer is hereby authorized to sell part or all of the Notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer is directed to report in writing to the Township Council of the Township at the meeting next succeeding the date when any sale or delivery of the Notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the Notes sold, the price obtained and the name of the purchaser.

SECTION 5:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 6:

The following additional matters are hereby determined, declared, recited and stated:

- (a) The Improvements described in Section 3 of this bond ordinance are not current expenses, and are capital improvements or properties that the Township may lawfully make or acquire as general improvements, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.
- (b) The average period of usefulness of the Improvements, within the limitations of the Local Bond Law, taking into consideration the respective amounts of all obligations authorized for the several purposes, according to the reasonable life thereof computed from the date of the Bonds authorized by this bond ordinance, is 15.56 years.
- (c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in

the office of the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey. Such statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of the Bonds and Notes provided in this bond ordinance by \$3,131,265 and the obligations authorized herein will be within all debt limitations prescribed by the Local Bond Law.

(d) An aggregate amount not exceeding \$325,000 for items of expense listed in and permitted under Section 20 of the Local Bond Law is included in the estimated cost of the Improvements, as indicated herein.

SECTION 7:

Any funds received from time to time by the Township as contributions in aid of financing the purposes described in Section 3 of this Ordinance shall be used for financing said Improvements by application thereof either to direct payment of the cost of said Improvements or to the payment or reduction of the authorization of the obligations of the Township authorized therefor by this Bond Ordinance. Any such funds received may, and all such funds so received which are not required for direct payment of the cost of said Improvements shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Bond Ordinance.

SECTION 8:

The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

SECTION 9:

This Bond Ordinance constitutes a declaration of official intent under Treasury Regulation Section 1.150-2. The Township reasonably expects to pay expenditures with respect to the Improvements prior to the date that Township incurs debt obligations under this Bond Ordinance. The Township reasonably expects to reimburse such expenditures with the proceeds of debt to be incurred by the Township under this Bond Ordinance. The maximum principal

amount of debt expected to be issued for payment of the costs of the Improvements is \$3,131,265.

SECTION 10:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolution # 2003-164 (Determining Eligibility for Survivor's Pension from State - Volunteer Firefighter) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-164

A RESOLUTION DETERMINING ELIGIBILITY FOR
KATHY OSADACZ, WIDOW OF RONALD OSADACZ,
ASSISTANT CHIEF OF THE MORGANVILLE VOLUNTEER FIRE CO.
TO RECEIVE A SURVIVOR'S PENSION FROM THE STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 43:12-28.1 provides that the governing body of any municipality served by a volunteer fire company may, by resolution, determine the eligibility to receive a survivor's pension for the widow or children of a volunteer firefighter who has died as the result of injuries sustained in the course of performance of duty as member of such volunteer fire company on or after January 1, 2000; and

WHEREAS, N.J.S.A. 43:12-28.1 provides that the sum of \$15,000.00 be paid annually to the widow, during her widowhood, or to any children after the death of such widow; and

WHEREAS, Ronald Osadacz, was Assistant Chief of the Morganville Volunteer Fire Company, which served the Township of Marlboro; and

WHEREAS, Ronald Osadacz, in his capacity as Assistant Chief of the Morganville Volunteer Fire Company, died as the result of injuries sustained in the performance of his duties while fighting a fire on Tennent Road in the Township of Marlboro, County of Monmouth, State of New Jersey on January 11, 2000.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that Kathy Osadacz, as widow of Ronald Osadacz is eligible to receive a

survivor pension under N.J.S.A. 43:12-28.1 in the amount of \$15,000.00 annually, such payment to be paid to Kathy and Ronald Osadacz two (2) children, in the event of Kathy Osadacz death.

BE IT FURTHER RESOLVED, that this Resolution shall be filed by the Township Clerk with the New Jersey State Treasurer within ten (10) days of adoption and that the State of New Jersey shall provide for payment of the survivor's pension, starting the first calendar year after the enactment of N.J.S.A. 43:12-28.1

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Council President Ellen Karcher
- b. Christopher Marion, Business Administrator
- c. Jonathan L. Williams, Acting Township Attorney

The following Resolution # 2003-165 (Raffle License St. Gabriel's Church) was introduced by reference, offered by Council Vice President Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-165

BE IT RESOLVED by the Township Council of the Township of Marlboro that a Raffle License # RL: 10-03 (Off Premise 50/50) be and it is hereby granted to St. Gabriel's R.C. Church, 100 North Main Street, Marlboro, New Jersey 07746.

BE IT FURTHER RESOLVED that said Raffle will be held on October 13, 2003 at 6 PM at Bella Vista Country Club, 100 School Road East, Marlboro, New Jersey 07746.

The following Resolution # 2003-166 (Award of Bid - Top Dresser) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-166

A RESOLUTION AWARDING A CONTRACT TO STORR TRACTOR CO. TO PROVIDE A 2003 OR NEWER DAKOTA MODEL 420 TOW-BEHIND TOP DRESSER COMPACTOR OR BRAND EQUIVALENT TO THE MARLBORO TOWNSHIP DIVISION OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of a 2003 or newer Dakota Model 420 Tow-Behind Top Dresser or brand equivalent to the Marlboro Township Division of Public Works, and on April 30, 2003, received one (1) bid therefor; and

WHEREAS, the one (1) bid received was as follows:

 Storr Tractor Company, 3191 Route 22, Somerville, N.J. 08876

WHEREAS, the Township Administration and the Division of Public Works have reviewed the said bid received and recommended that same be awarded to Storr Tractor Company as the only bidder, as no exceptions were taken to the specifications;

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Storr Tractor Company of Somerville, New Jersey to provide a 2003 or newer Dakota Model 420 Tow-Behind Top Dresser or brand equivalent to the Marlboro Township Division of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Storr Tractor Company of Somerville, New Jersey for the provision of a 2003 or newer Dakota Model 420 Tow-Behind Top Dresser or brand equivalent to the Marlboro Township Division of Public Works; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Storr Tractor Company in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Storr Tractor Company
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-167 (Award of Bid - Cooling Tower) was introduced by reference, offered by Councilman Denkensohn,

seconded by Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-167

A RESOLUTION AWARDING A CONTRACT TO WILGRO SERVICES, INC. FOR THE REPLACEMENT OF THE EXISTING COOLING TOWER AT THE MUNICIPAL COMPLEX IN THE TOWNSHIP OF MARLBORO, MONMOUTH COUNTY, NEW JERSEY FOR THE MARLBORO TOWNSHIP DIVISION OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the replacement of the existing cooling tower at the Marlboro Township Municipal Complex for the Marlboro Township Division of Public Works, and on May 14, 2003, received six (6) bids therefor; and

WHEREAS, the six (6) bids received were as follows:

- 2. Wilgro Services, Inc., Morton, Pennsylvania, for the amount of \$35,280.00
- 2. SBW, Inc., Jackson, New Jersey for the amount of \$70,665.00
- 3. Buist, Inc., Somerset, New Jersey, for the amount of \$44,022.00
- 4. Weld-It, Inc. HVAC & Mechanical, Middletown, New Jersey, for the amount of \$42,900.00
- 5. DJS Mechanical, Monroe, New Jersey, for the amount of \$39,890.00
- 6. Midcoast Mechanical, Inc., Neptune, New Jersey for the amount of \$45,828.00

WHEREAS, the Township Administration and the Division of Public Works have reviewed the said bids received and recommended that same be awarded to Wilgro Services, Inc. as the lowest responsible bidder; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Wilgro, Services, Inc. of Morton, Pennsylvania to replace the existing cooling tower at the Marlboro Township

Municipal Complex for the Marlboro Township Division of Public Works.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Wilgro Services, Inc. of Monroe, Pennsylvania for the replacement of the existing cooling tower at the Marlboro Township Municipal Complex for the Marlboro Township Division of Public Works; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Wilgro Services, Inc. in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Wilgro Services, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Superintendent Public Works
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-168(Award of Contract - Stream Cleaning) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-168

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER
INTO A PROFESSIONAL SERVICES CONTRACT WITH SCHOOR DEPALMA INC.
TO OBTAIN THE NECESSARY PERMITS TO UNDERTAKE THE
DE-SILTING AND CLEANING OF DEEP RUN

WHEREAS, it is in the public interest to maintain the health of waterways and the environment in the Township of Marlboro and the Township Council finds that in order to do so, the waterway in the location known as "Deep Run" ("Location") in the Township of Marlboro, County of Monmouth, State of New Jersey needs to be desilted and cleaned in accordance with the rules, regulations and requirements of the New Jersey Department of Environmental Protection ("NJDEP"); and

WHEREAS, the Township requires the services of an engineering and environmental professional in order to direct such de-silting

and cleaning process, and to secure any necessary permits and/or other approvals in accordance with the requirements of the NJDEP or other State or Federal Agencies; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, $N.J.S.A.\ 40A:11-1$, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the award of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to retain Schoor DePalma Inc to perform the necessary services for the de-silting and cleaning of the Location and adjacent areas as outlined in Schoor DePalma's proposal dated May 8, 2003.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

- 1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Schoor DePalma Inc., with regard to the aforesaid services, as per the proposal dated May 8, 2003, to be attached hereto and made a part hereof.
- 2. That the services to be performed shall be in accordance with the amounts stipulated in the attached May 8, 2003 proposal, with any additional expenditures requiring further authorization from the Township Council.
- 3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with $N.J.S.A.\ 40A:11-5$, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
- 4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial

Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

- 5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.
- 6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Schoor DePalma Inc.
 (Attn: Steven R. Ewing)
 - b. Township Business Administrator
 - c. Township Engineer
 - d. Township Chief Financial Officer
 - e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-170 (Authorization to Bid: 911 Memorial Project - Various Phases of Project Construction) was introduced by reference, offered by Councilman Kovalski, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-170

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, labor and/or materials as required by law:

911 Memorial Project - Various Phases of Project Construction

The following Resolution # 2003-171 (Extension of Substantial Completion Date on Contract - Cable Studio) was introduced by reference, offered by Council Vice President Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-171

RESOLUTION AUTHORIZING AN EXTENSION OF SUBSTANTIAL COMPLETION DATE AND CONTRACT COMPLETION DATE REGARDING THE CONSTRUCTION OF THE MARLBORO CABLE TELEVISION STUDIO

WHEREAS, on June 28, 2001, the Township Council of the Township of Marlboro adopted Resolution # 2001-181, authorizing the award of a contract between the Township and Saizan, Schneider & Winkler Architects, LLC to prepare designs and plans for the construction of the Marlboro Cable Television Studio and duly entered into a contract therefor; and

WHEREAS, on August 15, 2002, the Township Council of the Township of Marlboro adopted Resolution # 2002-295, authorizing the award of a contract between the Township and Northside Danzi General Contractors to carry out construction of the Marlboro Cable Television Studio and duly entered into a contract therefor; and

WHEREAS, due to delays caused by equipment procurement and other factors, Saizan, Schneider & Winkler Architects, LLC have requested that the Township authorize an extension of substantial completion to June 20, 2003 and the contract completion date to July 25, 2003; and

WHEREAS, the Township Administration and the appropriate municipal agencies and consultants, if any, have reviewed the aforementioned request and have determined that an extension of substantial completion to June 20, 2003 and an extension of contract completion to July 25, 2003 would be acceptable.

NOW, THEREFORE BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that the time for substantial completion of the construction of the Marlboro Cable Television Studio be extended to June 20, 2003 and that the contract completion date be extended to July 25, 2003.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided to each of the following:

- a. Saizan, Schneider & Winkler Architects, LLC
- b. Northside Danzi General Contractors
- c. Township Administrator
- d. Township Engineer
- e. Superintendent of Recreation
- f. Public Information Officer
- g. DeCotiis, FitzPatrick, Cole & Wisler, LLP

After discussion with Captain Hall, the following Resolution # 2003-172 (Renewal Liquor Licenses 7/1/03 - 6/30/04) was introduced by reference, offered by Council Vice President Mione, seconded by

Councilwoman Singer and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2003-172

BE IT RESOLVED by the Township Council of the Township of Marlboro that the following Liquor Licenses be and they are hereby renewed for the period beginning July 1, 2003 through June 30, 2004.

1.	Hituja Corp. T/A Marlboro Buy Rite Liquors	1328	44	001	006
2.	T & C Restaurant Inc. T/A Crown Palace	1328	33	005	006
3.	Gene and Lottie Janowski, Inc. T/A Fireside Lodge	1328	33	003	002
4.	Morganville Bar and Grill, Inc. T/A The Ville	1328	33	007	003
5.	Anna Ulaskevich T/A Andiron Inn	1328	33	010	002
6.	M. S. D. Enterprise, Inc. T/A Martucci's Deli	1328	44	009	003
7.	Westrock Inc. T/A Spikes of Marlboro, Inc.	1328	33	800	004
8.	Briad Restaurant Group, Inc. T/A TGI Fridays	1328	33	017	002
9.	Worthwhile, Inc. T/A Cambridge Spirits Unlimited	1328	44	016	002
10.	476 Route 520 Corp. T/A SamVera	1328	33	002	012
11.	Bella Vista Country Club	1328	33	004	004
12.	JRJ Hospitality Inc. T/A Nonna's	1328	33	015	011
13.	Morganville Vol. Fire Co. No. 1	1328	31	013	001
14.	Morganville Ind. Vol. Fire Co. Inc.	1328	31	012	001

BE IT FURTHER RESOLVED that pursuant to NJAC 13: 2-19.1, renewal of the aforementioned licenses shall not bar or abate any pending or anticipated disciplinary proceeding against any licensed establishment.

At 9:35PM, Councilman Kovalski moved that the meeting go into executive session for reason of discussing contract negotiations, acquisition of property and litigation. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the closed session commenced at 9:50PM.

RESOLUTION # 2003-173

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 12th day of June, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely acquisition of property, contract negotiations, and litigation.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:55 PM, Councilman Denkensohn moved that the meeting be opened. This was seconded by Council President Karcher, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Kovalski).

The following Resolution # 2003-174 (Awarding Contract Schoor DePalma, Underground Storage Tank DiMeo Prop. Block 159, Lot 1, Block 160, Lot 8) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-174

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SCHOOR DEPALMA, INC. REGARDING THE PERFORMANCE OF AN UNDERGROUND STORAGE TANK REMEDIAL INVESTIGATION AND ACTION RELATED TO THE ACQUISITION OF BLOCK 159, LOT 1 AND BLOCK 160, Lot 8, THE DIMEO PROPERTY

WHEREAS, in order to acquire and maintain vacant lands for open space, recreation, conservation, historic and/or farmland purposes, the Township of Marlboro is in negotiations to acquire the real property known as designated as Block 159, Lot 1 and Block 160, Lot 8 on the Marlboro Township Tax Map ("Property") and currently owned by the DiMeos; and

WHEREAS, Schoor DePalma Inc. has completed a Site Investigation based on the findings and recommendations of the July 2002 Phase I Site Assessment of the Property; and

WHEREAS, such Site Assessment proposed that certain Areas of Concern relating to Underground Storage Tanks ("AOCs") undergo: (1) remedial action pursuant to technical requirements for Site Remediation in accordance with N.J.A.C. 7:26E and the Underground Storage Hazardous Substances Rules, N.J.A.C. 7:14B; (2) further investigation to evaluate contamination; (3) excavation, examination and evaluation of residual contaminated soils; and

WHEREAS, before the Township acquires the Property, the Township requires that the AOCs on the Property be remediated and/or subject to further investigation, examination and evaluation in accordance with the requirements of the New Jersey Department of Environmental Protection; and

WHEREAS, the Township requires the services of an environmental professional in order to perform such remediation, further investigation, examination and evaluation of the AOC's on the Property; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, $N.J.S.A.\ 40A:11-1$, et seq.; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the award of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to authorize Schoor DePalma Inc to perform the aforesaid remediation services with respect to the AOCs on the Property.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

- 1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Schoor DePalma Inc., with regard to the aforesaid services, as per the proposal dated June 5, 2003, to be attached hereto and made a part hereof.
- 2. That the services to be performed shall be as outlined in the attached proposal, with a cap on the total expenditure in the amount not to exceed \$8,400.00 for such services. Further authorization from the Township Council shall be required for any expenditure beyond said amount.
- 3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with $N.J.S.A.\ 40A:11-5$, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession and it is not possible to obtain bids for such needed qualitative services.
- 4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.
- 5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.
 - 6. That a certified copy of this Resolution shall be provided to each of the following:
 - a. Schoor DePalma Inc.
 (Attn: John S. Mullan)
 - b. Township Business Administrator
 - c. Township Chief Financial Officer
 - d. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 11:00 PM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Kovalski).

MINUTES APPROVED: July 17, 2003

OFFERED BY: Singer AYES: 4

SECONDED BY: Mione NAYS: 0

ABSENT: Kovalski

ALIDA DE GAETA ELLEN KARCHER

MUNICIPAL CLERK COUNCIL PRESIDENT